

क्रमांक 1776-ज(I)-77/29071.—हरियाणा सरकार, राजस्व विभाग की युद्ध जागीर अधिसूचना क्रमांक 1448-ज(I)-77/ 21168, दिनांक 25 अगस्त, 1977, जोकि हरियाणा सरकार के राज्यपत्र दिनांक 6 नवम्बर, 1977 में मुद्रित की गई, है कि क्रम संख्या के कालपत्र 3 में शब्द “रुा राय” की बजाय शब्द “रुा राम” पढ़ा जाए।

दिनांक 24 नवम्बर, 1977

क्रमांक 1687-ज(I)-77/29513.—श्रीमति जोगिन्द्र कौर, विधवा श्री नन्द सिंह, गांव गणेशपुर, नहसील तारायणगढ़, जिला मन्वाला को युद्ध जागीर जो उसे हरियाणा सरकार के राजस्व विभाग की युद्ध जागीर अधिसूचना क्रमांक 2612-ज (I)-72/31764, दिनांक 24 अगस्त, 1972 द्वारा रबी, 1967 से रबी, 1970 तक 100 रुपये तथा खरीफ 1970 से 150 रुपये वार्षिक की दर से मन्जूर की गई थी, रबी, 1973 से मन्सूख की जाती है।

यशवन्त कुमार जैन,

विशेष कार्य अधिकारी, हरियाणा सरकार,
राजस्व विभाग।

EDUCATION DEPARTMENT

The 2nd November, 1977

No. 14910-Edu. II (6E)-77/35491.—In continuation of Haryana Government Education Department notification No. 10111-Edu. II (6E)-74/2938, dated the 27th January, 1975, No. 3109-Edu. II(6E)-76/9218, dated the 19th March, 1976, and 2029-Edu. II (6E)-77/7042, dated the 24th February, 1977, the Governor of Haryana is pleased to extend the term of the State Committee on 10+2X3 Educational Structure for a further period of one year beyond the 27th April, 1977.

2. This issues with the concurrence of the Finance Department,—vide their U. O. No. 4131—2FDII-4764
77, dated the 2nd November, 1977.

M. SETH,

Commissioner and Secy.

PUBLIC WORKS DEPARTMENT BUILDINGS AND ROADS BRANCH

Circle Ambala

The 14th November, 1977

No. S. E. /PWD/B & R/Ambala/543.—Whereas the Governor of Haryana is pleased that land specified below is needed by Government, at public expense, for public purpose, namely, constructing link road from Pinjore Mallah road to Janauli, Tehsil Kalka District Ambala, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act 1894, to all whom it may concern under the provisions of section 7 of the said Act, the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantt. is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, Public Works Department, Buildings and Roads Branch, Ambala Cantt., and Executive Engineer.

SPECIFICATION

District	Tehsil	Locality/ village	Hadbast No.	Area in acres	Khasra No.
Ambala	Kalka	Ganeshpur Bhorian	188	2.40	50 to 55, 185 to 190, 212 to 220
Do	Do	Dhatogra	160	2.10	60 to 64, 72 to 90, 100 to 104

District	Tehsil	Locality/Village	Hadbast No.	Area in Acres	Khasra Nos.
Ambala	Kalka	Kanjana	161	5.15	12 to 18, 25 to 50, 110 to 116, 120 to 126, 150 to 156, 175 to 182, 221 to 226, 245 to 266, 292 to 298
Do	Do	Janouli	162	1.59	1 to 35, 45
Do	Do	Jangal	..	0.20	..
Total				11.44	

(Sd.) . . . ,
 Superintending Engineer,
 Ambala Circle, P. W. D., B. & R. Branch,
 Ambala Cantt.

LABOUR DEPARTMENT

The 11th November, 1977

No. 11687-4Lab-77/29341.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Jatindra Steel and Tubes Limited, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
 HARYANA, FARIDABAD

Reference No. 37 of 1975

between

SHRI RAM LAKHAN, WORKMAN AND THE MANAGEMENT OF M/S JATINDRA STEEL
 AND TUBES LIMITED, FARIDABAD

Present :—

Shri Madhu Sudan Saran Cowshish, for the workman.

Shri G. M. Lal and Shri O. P. Tyagi, for the management.

AWARD

By order No. ID/FD/74/10054, dated 6th February, 1975, the Governor of Haryana referred the following dispute between the management of M/s Jatindra Steel and Tubes Limited, Faridabad and its workman Shri Ram Lakhan to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the dismissal of Shri Ram Lakhan was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notice were issued to the parties. On 21st July, 1975, the workman had appeared but the management had not appeared, hence *ex parte* proceedings were ordered by my learned predecessor against the management, but that order was set aside later on and the case was fixed for the evidence of the management. The management examined one Shri S. L. Gupta, the Enquiry Officer, who proved certain documents such as his letter of appointment, charge-sheet, enquiry proceedings and his findings. In cross-examination, he stated that the statement of the witnesses recorded by him do not bear the signatures of the workman concerned and he had given a note to that effect that the workman declined to sign. Then the management examined one Shri O. P. Tyagi, their Industrial Relations Adviser as M. W. 2 who tendered the copy of Standing Orders and the explanation of the workman concerned and proved some other documents. The management then closed their case.

Thereafter the case was fixed for the evidence of the workman who stated that he participated in the enquiry. He stated that no statement was recorded in his presence nor proceedings took place in his presence and his signatures were obtained in token of his presence and he was not informed of the next

date of hearing, nor was asked to adduce his defence evidence. In cross-examination, he admitted that his signatures appeared on page 7 of the enquiry proceedings at mark 'A'. He even deposed that the demand notice and the statement of claim also did not bear his signatures, although they purport to bear their signatures. However, he admitted that he made no complaint against Enquiry Officer and that he was an illiterate and could sign in Hindi. The workman closed his case. Arguments were heard.

I have gone through the enquiry proceedings and finding of the enquiry officer. The enquiry officer was appointed by the management to enquire into the charges levelled against the workman concerned,— vide charge-sheets, dated 19th January, 1974 and 25th January, 1974. On 23rd March, 1974, the workman concerned and his representative were present. The contents of charge-sheets were read over to him, the workman denied the charges. On 30th March, 1974, the workman concerned is alleged to be present. The proceedings, dated 30th March, 1974, speak regarding a statement of the representative of the management. This representative stated that the workman concerned instigated inside the factory in a gate meeting other workmen to go on strike and also instigated to stoning and the workman concerned himself also stoned. It is stated that the workman declined to sign. Then statement of one Shri Chatar Bhuj Sharma is recorded who stated that the workman concerned refused to sign in his presence. Then the statement of Shri Mehar Chand is recorded who was stated that he has heard the statement of Shri Chatar Bhuj and stated that statement of Shri Chatar Bhuj was correct and the statement of Shri Chatar Bhuj may also be deemed as his statement. In cross-examination, this witness has stated that he had not seen stoning himself but came to know later on an receipt of a report. Then there is a statement of Shri Sujan Singh, Security Officer, described as M.W. 2 who had stated that the workman concerned and one Shri Ram Avtar Sharma delivered speeches and instigated other workmen to go on strike on 16th January, 1974 and threatened that whosoever shall attend the factory, he shall be taken to task. On 16th January, 1974, these two persons together with their other companions reached the gate and obstructed the other workmen from entering the factory. As a result thereof the factory remained closed on that day. Only 12 workers could attend that day, other went back in a frightened condition. On 24th January, 1974, again there was a gate meeting. The workman concerned and Shri Ram Avtar delivered instigatory speeches. He advised them not to hold gate meetings there and hold it elsewhere leaving some room and that their gate meeting was illegal in view of the imposition of section 144. On that the workman concerned began to quarrel and thereupon he came inside the factory saving himself. He further stated that the workers stoned and there were about 150 stones. He, however, was saved. He then turned back and saw that the workman concerned was stoning and instigating others to stone. In cross-examination, he admitted that the police had reached the factory and the management had reported to the police that there was an apprehension of breach of peace in spite of section 144 was in operation. Then statement of Shri Shiv Parshad M.W. 3 was recorded, who stated that on 24th January, 1974, the workman concerned threw away stones and told others to make them run and to stone. In the mean time the workers stoned. The workman concerned also threw 4/5 stones. In cross-examination he stated that he was outside the factory and could not say whether the stones hit some persons or not. Shri Ram Bachan M.W. 4 has also corroborated the statement of other witnesses. Then M.W. 5 Shri Ram Chander Chowkidar's statement is recorded, who stated that the workman concerned and Ram Avtar instigated other workmen to strike work and threatened also that whosoever attended the factory shall be beaten. Then the statement of the representative of the management is recorded who has deposed that on 16th January, 1974, the attendance register is marked 'S' denoting a strike against those workmen who had not attended the factory. The management had closed their case.

Then the enquiry officer fixed the proceedings for defence evidence of the workman. Then the statement of Shri Mehar Chand is recorded to the fact that the workman concerned was present and he had cross-examined the witness for the management as opportunity was given to him, the workman concerned was asked to give his defence witness but denied in and stated that his reply to the charge-sheet be treated as his statement. Chatar Bhuj was also examined and he adopted the statement of Shri Mehar Chand. I have seen letters of Sarvshri Ram Avtar and Ram Lakhan given by them during enquiry proceedings. I have also seen Exhibit D-1 in which the workman has stated that the factory was closed on 16th January, 1974 and the workmen did not strike work and he did not instigate them to strike and he is going to be victimised for trade union activities, as he was the Vice-President of the Union. The letter of the management dated 16th March, 1974, speak that the management was closing a copy of letter, dated 16th March, 1974, to Shri S.L. Gupta, the enquiry officer, but the letter addressed to the workman concerned dated 16th March, 1974, has been perused by me. The letter by the management to the workman concerned, dated 2nd March, 1974, informing the workman concerned of domestic enquiry to be held on 16th March, 1974 at 2 p.m. by Shri S. L. Gupta has been seen by me, but this letter does not purport to have been received by the workman concerned. In proceedings, dated 16th March, 1974, it is mentioned that the workman was not present. The enquiry officer has stated in his interim order that the workman knew English, he should have appeared. The representative for the management objected to adjournment but still he was of the opinion to give one more opportunity to the workman concerned. He fixed enquiry at 2 p.m. on 23rd March, 1974 and ordered that copy of the proceedings be sent to the workman concerned but this proceedings purports to have been signed by the workman concerned on 19th March, 1974, although this proceedings purports to have been signed by the Enquiry Officer and the representative for the management Shri O. P. Tyagi on 16th March, 1974. It is strange how these proceedings are signed by the workman concerned on 19th March, 1974. He was not present on 16th March, 1974. This was irregular on the part of the Enquiry Officer to obtain signatures of the workman concerned on the enquiry proceedings, dated 16th March, 1974 on 19th March, 1974. On 23rd March, 1974, the workman and his representative Shri Ram Avtar Sharma are stated to be present. The workman concerned had admitted his signatures on a letter of the management, dated 2nd March, 1974, informing him of the holding of the enquiry against him on 16th March, 1974 at 2 p.m. It means he knew of the date of the enquiry to be held but even then he did not attend on 16th March, 1974. On the proceedings dated 23rd March, 1974,

there purports to be the signatures of the workman concerned although he has denied but here his signatures appeared at 2 places. They are a little different but a great difference in the main characteristics do not appear. The workman concerned denied his signatures everywhere except on receipt of the management letter, dated 2nd March, 1974. The workman even went to that extent that he denied his signatures on the demand notice sent to this Tribunal along with the order of reference. He further denied his signatures on his own claim statement also. His statement does not appear to me as reliable. In these circumstances, when the witnesses for the management have testified to the charges levelled against the workman concerned,—vide the charge-sheet in question and the statement of the workman concerned before me being most unreliable, I think the enquiry proceedings are not vitiated. It is in evidence that the factory was closed on 16th January, 1974, as per the reply of the workman concerned. If it is so, why the management could have levelled the charges of strike and of instigation to strike against him. Even some witnesses have been cross-examined in enquiry proceedings. In the circumstances, I cannot hold that the enquiry is vitiated. Therefore, the findings of the enquiry officer is based on evidence. The charges against the workman concerned are of serious nature. The management has placed a copy of their certified standing orders. The act of the workman concerned amount to misconduct as per their standing orders. The punishment provided for misconduct in the standing orders of the management is dismissal. The act of the workman concerned is of a grave nature and dismissal for such act is warranted by the standing orders of the management. I, therefore, give my award as follows :—

That the dismissal of Shri Ram Lakhan, the workman concerned, was justified and in order. He is not entitled to any relief.

Dated the 31st October, 1977.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1039, dated 31st October, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 31st October, 1977.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11688-4Lab-77/29343.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Hindustan Machine Tools Limited, Pinjore.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 151 of 1973

between

THE WORKMEN AND THE MANAGEMENT OF M/S HINDUSTAN MACHINE TOOLS
LTD., PINJORE

Present—

Shri Abhey Singh, for the workmen.

Shri Bhagirath Dass, for the management.

AWARD

By order No. ID/AMB/189-C-72/15939, dated 7th May, 1973, the Governor of Haryana referred the following dispute between the management of M/s Hindustan Machine Tools Ltd., Pinjore and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether uniforms should be given to the clerical staff ? If so, with what details ?
- (2) Whether the workers should be provided free house accommodation or house-rent in lieu thereof ? If so, with what details ?

- (3) Whether the workers should be given 30 days annual leave without any salary discrimination. If so, with what details?
- (4) Whether the families of the workers should be given the facility of company bus between Pinjore-Kalka and Pinjore-Chandigarh? if so, with what details?
- (5) Whether elections for house allotment council, works council and Co-operative should be made immediately and regularly. If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issue was framed by my learned predecessor on 22nd April, 1975 which has been decided by my learned predecessor against the H.M.T. Workers Union.

Whether the H.M.T. Workers Union represented by Shri Abhey Singh is entitled to join as a party to the present reference? (on applicant).

Thereafter my learned predecessor framed the following issues on 20th September, 1976 :—

- (1) Whether uniforms should be given to the clerical staff. If so, with what details.
- (2) Whether the workers should be provided free house accommodation of house rent in lieu thereof? If so, with what details?
- (3) Whether the workers should be given 30 days annual leave without any Salary discrimination. If so, with what details?
- (4) Whether the families of the workers should be given the facility of company bus between Pinjore-Kalka and Pinjore-Chandigarh. If so, with what details?
- (5) Whether elections for house allotment council, workers council and co-operative should be made immediately and regularly. If so, with what details?

The case was then fixed for the evidence of the workmen. The workmen examined three witnesses Sarvshri Kuldip Singh Fitter, Brij Behari Lal and Abhey Singh, Secretary, H.M.T. Workers Union.

Then the case was fixed for the evidence of the management. The management examined three witnesses named Sarvshri R. K. Mathur, Personnel Manager, P. N. Sharma, Estate Officer, Subhash Kumar Soni, Superintendent Transport. Now I discuss the whole case issue-wise.

Issue No. 1. W.W. 1 Shri Kuldip Singh has stated that uniforms consisting of three Bhushirts, three pents, two pairs of socks and one pair of shoes is supplied to the clerical staff of the H.M.T. at Bangalore. He could not state whether any uniform is supplied to the clerks or workmen at H.M.T. Factory at Hyderabad Siri Nagar and Kala Massery. W.W. 2 stated that Bangalore staff are getting uniforms consisting of a pant and a shirt. W.W. 3 Abhey Singh also stated that uniforms are supplied to the clerical staff at H.M.T. Factory at Bangalore. He further stated that Pinjore Factory is making more profit than is made by the Bangalore factory. M.W. 1 states that in Haryana no clerical staff is supplied uniforms. He also admitted that uniforms are supplied to staff at Bangalore factory. No other witness for the management stated on this issue.

From the evidence even of the workmen, I am not satisfied that they have made any case for the supply of uniforms to the clerical staff at Pinjore factory. Their statements are contradictory as respects the quantity of clothing supplied to the staff at Bangalore. W.W. 1 has been at Bangalore for two months only. Moreover, he could not compare the circumstances prevailing at Bangalore with the circumstances prevailing at Pinjore. He himself has admitted that in other factories of the H.M.T. except Bangalore uniform is not supplied to the clerical staff. In Haryana, it is not in dispute that uniform is not supplied to the clerical staff in any factory. The supply of uniform at Bangalore which situates in distant south part of India can not be taken as a ground for supply of uniforms to the clerical staff of H.M.T. factory at Pinjore which situates in the distant north part of India. I, therefore, decide this issue against the workmen.

Issue No. 2. W.W. 1 in examination-in-chief has said nothing on this issue. W.W. 2 is also silent on this issue. W.W. 3 has also not stated anything on this issue. I, therefore, decide this issue against the workmen.

Issue No. 3. W.W. 1 has stated that formerly the employees getting more than Rs 500 as wages were granted 30 days earned leave and after the application of the E.S.I. scheme to the factory of the management, this leave has been reduced to 18 days. W.W. 2 has stated nothing on this issue. W.W. 3 has also not stated anything on this issue. Then M.W. 1 has stated that annual leave is granted to the workmen in accordance with the E.S.I. scheme and sick leave is also granted to them in accordance with the said scheme. The workmen could not make out any case in their favour on this issue. When the E.S.I. scheme was made

applicable to the factory and leave is granted to the workmen in accordance with the E.S.I. scheme, I am not in a position to hold that the workmen should be given 30 days annual leave without any salary discrimination in want of proof. I, therefore, decide this issue against the workmen.

Issue No. 4. W.W. 1 has admitted in his cross-examination that there is about 15 minutes Bus Service provided by several Transport Organisations. He has also admitted that there is a shopping centre at Pinjore. Regular Bazar is also there at Pinjore and generally every thing is available there. W.W. 2 is silent on this point. W.W. 3 has also not stated anything on this issue in his examination-in-chief. I do not find any case in favour of the workman on this issue, when there is 15 minutes bus service available. I, therefore, decide this issue against the workmen.

Issue No. 5. W.W. 1 is silent on this point on this issue. W.W. 2 has also not stated anything in his examination-in-chief on this issue. W.W. 3 has stated that at Pinjore that there is no elected body to do the work of allotment of houses. He further stated that discrimination is done to his union in the matter of allotment of houses and that houses are allotted to rival union named H.M.T. Karmik Sangh in preference. He cited an instance of one Shri Om Parkash, President, of the H.M.T. Karmik Sangh who was the junior and was given house accommodation. On the contrary M.W. 1 stated that there were about 1,100 residential quarters of the management which are allotted by the housing committee represented by the workmen and the management. The representative of the workmen in this committee belong to H.M.T. Karmik Sangh which is a recognised union. This committee meets regularly and allots houses on the consideration of various factors such as seniority, health essential services such as water supply, health facilities, electric supply etc., etc. and the H.M.T. Karmik Sangh nominates their representatives every year. The minute of house allotment committee are recorded every year, and no worker ever complained to the management indicating irregular house allotment. A list is maintained serial-wise and there is a full time Estate Officer who considers the grievances of the workers in this respect. He further stated that there is a Works Committee also under the Industrial Disputes Act and further more there is a Co-operative Society registered under the relevant law. When the management has made such arrangements, I do not think that election for houses allotment council shall serve any purposes. Under this issue there are some words such as "Workers Councils and Co-operative" these words are ambiguous if the workers council means Works Committee, elections are held thereto in accordance with the Industrial Disputes Act and rules made thereunder. By the word Co-operative if it means Co-operative society, then things relating to co-operative societies are governed by a relevant law. It is not fit for me to decide that election be held to works councils and co-operative as that matter is governed by statutory provisions. As far as elections for house allotment councils are concerned, there are representatives of the management as well as of the recognised union and that committee is meeting regularly and transacts its business regularly. The workmen could not bring out considerable irregularities in this respect except an instance of Shri Om Parkash, President of H.M.T. Karmik Sangh alleged by them to be a junior. But the management have stated that this committee considers other matters also such as health services, essential services etc., etc. In this lone instance also W.W. 3 could not prove that in this case other circumstances were similar, hence there is no proof in support of issue No. 5. I, therefore, decide issue No. 5 also against the workmen, but I observe that if any irregularity is made in the matter of house allotment, the workers have right to agitate for particular demand and in that dispute the regularity or irregularity in that instance can be decided and the deserving workmen can have his remedy. I, therefore, give my award as follows :—

Dispute No. 1.—The clerical staff of this factory are not entitled to uniforms.

Dispute No. 2.—The workmen are not entitled to free house accommodation or house rent in lieu thereof.

Dispute No. 3.—As E.S.I. scheme has been made applicable to the factory and leave is granted in accordance with the E.S.I. scheme, hence the workmen are not entitled to 30 days annual leave as demanded by them but they are entitled to all leaves as provided to them by law and the certified standing orders if any,

Dispute No. 4.—Families of the workers are not entitled to facilities of company bus between Pinjore-Kalka and Pinjore-Chandigarh as per my discussions on issue No. 4.

Dispute No. 5.—Elections to works council and co-operative are held under the relevant law. Election for house allotment council is not necessary in view of the fact that house allotment council is composed of the representative of the management and of a recognised union and the representative of the recognised union are nominated every year but this shall not bar the workmen from raising any particular dispute of any particular workman whose deserving claim to house allotment has been ignored by the house allotment council. Any aggrieved workman in this respect shall have a right to raise his demand in respect of the particular allotment of house deemed irregular allotment by him.

Dated the 28th October, 1977

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1047, dated the 31st October, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 31st October, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No 11686-4Lab-77/29355 - In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Haryana Roadways, Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 11 of 1974

between

SHRI CHARAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
ROADWAYS, GURGAON

Present.—

Shri S.K. Goswami for the workman.

Shri K.L. Piplani, for the management.

AWARD

By order No. ID/GG/116-H-73/41228, dated 30th December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s. Haryana Roadways, Gurgaon and its workman Shri Charan Singh to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Charan Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order reference, notices were given to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed by my learned predecessor on 30th July, 1975.

- (1) Whether the workman Shri Charan Singh made a demand on the respondent and the same was rejected by the later before reference to the Conciliation Officer ?
- (2) Whether the termination of services of the workman were legal, proper and justified and in order ?
- (3) In case of proof of issue No. 1 and none proof of issue No. 2 to what relief is the workman entitled ?

The case was fixed for the evidence of the workman, as the onus of issue No. 1 was on the workman. My learned predecessor decided issue No. 1 in favour of the workman,—vide his order, dated 22nd December, 1975. Then the case was fixed for the evidence of management. The management examined one Shri Vijay Kumar, clerk of Haryana Roadways, Gurgaon, who proved the copy of the appointment letter Ex. M-1. He also stated that a report, dated 13th December, 1972 was received in the office of the General Manager from Shri S. P. Sehra through Shri Mahesh Lamba, Station Supervisor, that the workman was absent from duty from 4th October, 1972, this report is Ex. M-2. The management then issued a notice, copy where of is Ex. M-3 asking for the explanation of the workman for a bsent from duty. He stated that the Dealing clerk submitted a note on 14th November, 1972 which is Ex. M-4 and the General Manager passed an order Ex. M-4/A. The services of the workman concerned were terminated,—vide order, dated 25th November, 1972, copy whereof is Ex. M-5. This witness had brought the file in which there were originals of the copy Ex. M-1 to Ex. M-5. He identified the signatures on the original of W-1 and W-2. He however showed his ignorance about the rest period of the workman concerned from 1st October, 1972 to 4th October, 1972. He could not say whether the workman concerned sent an application for

grant of leave from 5th October, 1972 to 24th October, 1972 on medical ground but stated that there was no such application on the present file of the workman concerned which he had brought. The management then examined Shri Raghubir Singh, Conductor as M.W. 2 who stated that he did not receive any application for grant of leave for the period from 1st October, 1972 to 24th October, 1972 as he was a duty clerk at that time. He stated that the workman attended his duty on 25th October, 1972 and 26th October, 1972 and absented himself from duty thereafter without prior permission of the management. He also stated that no rest period was due to the workman concerned. In cross examination, he denied that he received registered letter containing application for grant of leave from the workman. The management further examined Shri O. P. Sehra, Inspector of the management as M. W. 3 who stated that on receipt of a letter regarding the absence from duty of the workman, he forwarded that to the S. S. Rewari who forwarded to the General Manager, Gurgaon. He further stated that no application for grant of leave was received from the workman. Thereafter the management closed their case.

Then the case was fixed for the evidence of the workman. The workman examined himself as W.W. 1 and stated that he fell sick and he applied for leave on medical ground from 5th October, 1972 to 24th October, 1972. He stated that he submitted medical certificate along with the application. He further stated that he resumed his duty on 25th October, 1972 and performed duty upto 27th October, 1972 at Rewari. Then he was transferred to Gurgaon,—vide letter Ex. W-2. He went to Gurgaon but was not taken on duty. He came back to Rewari and told about it to the Authority but they expressed their helplessness. They did not take him on duty and neither permitted him to resume duty. In cross examination he stated that he could not say as to whom he had applied for grant of leave. He further stated that when he came to Gurgaon he reported his arrival to Shri Manohar Lal, Duty Clerk, who is still alive. He further stated that he did not reported this matter to the General Manager or higher Authority. When he went back to Rewari and reported on duty to Shri Lamba, Station Supervisor, who is alive and is possibly at Dadri or elsewhere. He further stated that Shri Lamba refused to take him back on duty. He further stated that he was doing Agricultural work and 20/30 maunds grains is produced in his field per year in two harvests. The land is Barani and wheat is produced and he has done no other work and closed his case. Both parties addressed their arguments.

I have considered evidence on the file, oral as well as documentary. I give my findings issuewise.

Issue No 2.—

Ex. M-1 is the copy of appointment letter which reads that the workman was appointed on purely temporary basis and his services were liable to be terminated at any time without any prior notice. Ex. M-2 is a copy of report that the workman was absent from duty from 4th October, 1972. Ex. M-3 is a copy of notice asking for explanation from the workman for absence from duty. Ex. M 4 is a note of a departmental clerk on which they are orders that the services of the workman be terminated. Ex. M-5 is the order terminating the services of the workman concerned, that his services were no longer required with effect from 4th October, 1972. Ex. W-1 is the original of Ex. M-5. Ex. W-2 is dated 26th October, 1972 ordering that HRG/416 vehicle be plied Rewari Gurgaon via Machana and Gurgaon Ferozepur Zirka as sufficient mileage is missed and the vehicle can not be checked. Ex. W-2 also mentioned that the workman and Wazir Chand Conductor were with this vehicle and if the vehicle is to be sent then it should be sent after six new Tyres and Stopy be provided to the vehicle.

On the file of the case, I find a postal receipt in respect of the registered letter, copy of the medical certificate, duplicate of medical certificate and an original fitness certificate, dated 24th October, 1972. Fitness certificate, dated 24th October, 1972 reads that Charan Singh, the workman was fit to resume his duty, with effect from 25th October, 1972 but these documents have not been exhibited by the representative of the workman. The workman or his representative did not tender these documents in evidence nor proved them. They simply placed them on the file of the case. It is no use to consider them as they have not been tendered in evidence.

The workman pleaded that he was availing rest from 1st October, 1972 to 4th October, 1972 but he did not prove that his rest was due. Moreover the Conductor M. W. 2 has specifically stated that no rest was due to the workman. The workman also pleaded that he applied for leave from 5th October, 1972 to 24th October, 1972 but he has not proved any such application. He neither proved the medical certificate nor the fitness certificate. He did not examine the Doctor issuing the certificate. Moreover the fitness certificate, dated 24th October, 1972 has been placed on the file of this case by the representative of the workman on 20th August, 1976. It is strange, if the fitness certificate was given or sent to the department Authority, then how it could be produced in original before this Tribunal by the representative for the workman. The fitness certificate on the face of it seems to be original. There is no endorsement to suggest that it is either a copy or duplicate.

Ex. M-1 clearly says that the workman concerned was purely on temporary basis. His services can be terminated at any time without any prior notice, but this letter is dated 8th August, 1969. It is nowhere in evidence as to whether or when the workman concerned was confirmed or not but it is clear that the workman had performed duty for about three years prior to termination of his services.

The management neither charge-sheeted the workman nor held any domestic enquiry. It was a case of termination of services simpliciter on the ground of absentism. It was a case of no enquiry, hence the representative for the management argued that whatever evidence before the Tribunal, it is in the course of enquiry by the Tribunal.

The workman concerned could not prove anywhere that he had been confirmed, no rules or regulation of the department brought in evidence by the workman concerned from which his confirmation or otherwise could be inferred and that goes against the workman concerned in view of Ex. M-1 and W-1 the letter of appointment. The workman concerned stated that he went to Gurgaon and reported his arrival to Shri Manohar Lal, Duty Clerk, but did not examine Shri Manohar Lal duty clerk. Although he admitted that Manohar Lal was alive. The workman concerned also admitted in his cross-examination that he did not report that matter to the General Manager or higher authority. I fail to understand the reasons as to why he did not report that matter to the General Manager or higher authority. The workman concerned further admitted that he went back to Rewari to report for duty to Shri Lamba the station supervisor but he did not examine Shri Lamba also and admitted that Shri Lamba was either at Dadri or elsewhere but was alive. All that goes to disprove the assertions of the workman. I have considered Ex. W-2. It is not addressed to the workman concerned. It is addressed to some other official of the department. Shri Mahesh Lamba had sent vehicle No. HRG-416 to that official and therefore he has given some instructions. He has further stated in Ex. W-2 that the workman concerned and Wazir Chand Conductor were accompanying that vehicle. He has further stated in Ex. W-2 that if the vehicle had to be sent then it should be sent after providing to it six new tyres and a stepny. This is dated 26th October, 1972. But it all does not matter because the management in their written statement have admitted that the workman concerned had joined duty for 2 days only on 25th October, 1972 and 26th October, 1972. But the workman concerned could not prove his presence on duty from 4th October, 1972 to 24th October, 1972 and after 26th October, 1972. It was a longer period of his absence and then the management was left with no alternative then to terminate his services for being absent for such a long period. I, therefore, decide issue No. 2 in favour of the management.

Issue No 3.—

Although issue No. 3 come into consideration when issue No. 2 is not proved. Here issue No. 2 has been proved but even then in every case relief has to be decided by the Court. It is a necessary question that in any case relief has to be decided.

It is clear that the workman concerned remained absent from 1st October, 1972 to 24th October, 1972. The management has admitted that he was present on duty on 25th October, 1972 and 26th October, 1972. It is strange that when the workman remained absent for 24 days, how he performed his duty on 25th October, 1972 and 26th October, 1972 and the order terminating the services of the workman concerned speaks that the service of the workman concerned has been terminated with effect from 4th October, 1972. How that is possible? When it is in the admission of the management that he performed his duty on 25th October, 1972 and 26th October, 1972, how his services could be terminated with effect from 4th October, 1972, the order terminating the services with effect from 4th October, 1972 is erroneous. In these circumstances, I am of the opinion that the workman concerned is entitled to re-employment afresh by the management against any existing vacancy or against any vacancy occurring first hereafter. I, therefore, give my award as follows :—

That the termination of services of Shri Charan Singh, the workman concerned, was justified and in order, as discussed under issue No. 2 and as far as relief is concerned, he is entitled to re-employment afresh against any existing vacancy or against any vacancy occurring first hereafter as discussed under issue No. 3.

Dated the 27th October, 1977.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1046, dated the 31st October, 1977.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employments, Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 31st October, 1977.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 17th November, 1977

No. 9672-4Lab-77/28474.—In exercise of the powers conferred by sub-section (1) of section 28 of the Contract Labour (Regulation and Abolition) Act, 1970, and all other powers enabling him in this behalf, and in partial modification of Haryana Government, Labour Department notification No. 1242-4Lab-77/3223, dated the 10th February, 1977, the Governor of Haryana hereby appoints the Labour Inspector, Kurukshetra within the local limits of Kurukshetra District, the Labour Inspector Karnal, within the local limits of Karnal District excluding Panipat, Tahsil and the Labour Inspector, Jind within the Local limits of Jind District to be Inspectors for the purposes of said sub-section and further makes the following amendment in the aforesaid notification :—

AMENDMENT

In the said notification—

- (a) for serial number 33 and the entries there-against, the following serial number and entries shall be substituted, namely :—

“33—Labour Inspector, Karnal .. Karnal District, excluding Panipat Tahsil”.

- (b) for serial number 37 and the entries there-against the following serial number and entries shall be substituted namely :—

“37—Labour Inspector, Jind .. Jind District”, and

- (c) after serial number 37, the following serial number and entries shall be inserted, namely :—

“38—Labour Inspector, Kurukshetra .. Kurukshetra District”.

The 21st November, 1977

No. 113-GOI-4Lab-77/29576.—In exercise of the powers conferred by the proviso to sub-rule (1) of rule 4 of the Workmen's Compensation (Occupational Diseases) (Punjab) Rules, 1964, and in supersession of Haryana Government, Labour Department Notification No. 11409-4Lab-76/35401, dated the 10th January, 1977, the Governor of Haryana hereby recognises the Pneumconiosis Medical Board constituted by the Government of India, Ministry of Labour,—vide order No. IH/PMB/7614/63, dated the 27th July, 1977, with respect to workmen employed in mines, for the State of Haryana.

G. V. GUPTA, Secy.